IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3481 OF 2004

Rajesh @ Dadya Vijay Patil .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.N.V.Sawant for the applicant.
Mr.A.S.Gadkari APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 2ND SEPTEMBER, 2004

P.C.:

. Heard Mr.Sawant, learned counsel for the applicant and Mr.Gadkari, learned A.P.P. for the respondent.

2. The applicant has filed this application for being released on bail in C.R.No.I-1/2004 under sections 307, 452, 324, 427 read with 34 of Indian Penal Code. The occurrence in the instant case took place at early hours on 1.1.2004 in which the present applicant and three others allegedly assaulted Omkar Pawar and Sharad Shetty. In so far as the present applicant is concerned, it is alleged that he was armed with sickle and he inflicted blow with sickle on Omkar Pawar. I have

perused the statement of Sharad Shetty and Omkar Pawar and their injury certificates. In so far as injury sustained by Sharad Shetty is concerned, the certificate shows that he sufferred only one incised wound which the doctor has described as simple in nature. Omkar Pawar sufferred seven injuries and all were incised. However, none of the injury, prima facie, was on the vital part of the body. Out of seven injuries only three were grievous and all other were simple in nature. Mr.Gadkari, learned A.P.P. opposed this application mainly on the ground that the applicant is habitual offender and, therefore, he shall not be released on bail. In so far as the contention of Mr.Gadkari is concerned, Mr.Sawant, learned counsel for the applicant submitted that in all the cases which were pending against the applicant were old and in all those cases he was acquitted and as of today except the instant case he is not involved in any other case. The statement of Mr.Sawant was not controverted by Mr.Gadkari. Keeping that in view and the nature of injuries sufferred by the victims I am satisfied that there is no prospect of the offence under section 307 being escalated to higher count. Moreover, the applicant is in custody since last eight months. In view of this I

am inclined to enlarge the applicant on bail.

. The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.15,000/ with one or two local sureties of the like amount to the satisfaction of the trial court subject to the condition that he shall report the concerned police station on every Wednesday and Saturday between 6 pm and 7 pm for a period of four months and thereafter on every Saturday between 6 pm and 7 pm until the conclusion of his trial.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)